

RAS 906

RELATED CORRESPONDENCE

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USNRC

August 23, 1999

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

OFFICE OF THE  
RULEMAKING  
ADJUDICATION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket No. 50-400-LA
CAROLINA POWER & LIGHT	)	
COMPANY	)	ASLBP No. 99-762-02-LA
	)	
(Shearon Harris Nuclear Power Plant)	)	
	)	

NRC STAFF'S FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE BOARD OF COMMISSIONERS OF ORANGE COUNTY

Pursuant to the Board's July 29, 1999 Memorandum and Order(Granting Request to Invoke 10 C.F.R. Part 2, Subpart K Procedures and Establishing Schedule), the Staff of the Nuclear Regulatory Commission ("Staff") hereby requests the Board of Commissioners of Orange County, North Carolina ("BCOC") to answer the following General Interrogatories separately, fully, in writing, and under oath within 14 days after service of this discovery request, and to produce the documents requested below within 30 days after service of this discovery request.

I. DEFINITIONS

1. The word "document" as used herein shall mean the originals and any copies of any written or recorded matter, whether produced or reproduced and wherever located, whether stored on paper, cards, tapes, disks, film, computer storage devices or any other

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medium, and shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, training materials, records, correspondence, e-mail, diaries, plans, charts, diagrams, drawings, periodicals, lists, telephone logs, recordings, minutes, photographs, negatives, computer printouts, legal pleadings (other than those filed in this proceeding), and any published materials, and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

2. The word "communication" shall mean correspondence, e-mail, fax, contact, discussion, or any other kind of written, electronic or oral exchange between two or more persons or entities including, but not limited to, all telephone conversations, e-mail, face-to-face meetings or conversations, visits, conferences, internal and external discussions, and exchange of a document or documents.

3. "Licensee" means in the context of this discovery request, Carolina Power & Light Company and any agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s) acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them.

4. "Intervenor" or "BCOC" means in the context of this discovery request, the Board of Commissioners of Orange County, North Carolina and any agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s)

acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them.

5. "Concerns," "concerning," or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, comprising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting, and constituting.

6. "Relate" or "relating to" means pertaining to, recording, evidencing, setting forth, reflecting, referring to, discussing, showing, disclosing, describing, explaining, summarizing, concerning, or regarding.

7. "Identify" when used in reference to a natural person means to set forth the following: his name; his present or last known residential address and telephone number; his present or last known business address and telephone number; his employer; his title or position; his area of responsibility; and his business, professional, or other relationship with the Licensees. If any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

8. "Identify" when used in reference to a corporation or other entity that is not a natural person shall mean to set forth the following:

- a. the full name of such entity, including its legal name and any assumed or trade names under which it transacts or has transacted business;

- b. the nature or form of such entity, if known;
- c. the address and telephone number of the entity's principal place of business or the principal place where such entity is to be found;
- d. whether BCOC or any of its members, have or have had a relationship or affiliation with such entity, its affiliates or subsidiaries, and, if so, a description of such relationship;
- e. the persons presently or formerly employed by or associated with that entity who have the principal knowledge concerning the subject matter in question; and
- f. if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

9. "Identify" when used in reference to a document or record shall mean to set forth the following: its title; its subject matter; its date; its author; its addressee (including the designated recipient, "cc" and "bcc" recipients, and the like); its file designation or other identifying designation; and its present location and present custodian.

10. "Identify" with respect to a contact or communication shall mean to set forth the following:

- a. the date of the communication;
- b. the type and means of communication;

- c. the substance of the communication;
- d. each person making the communication, and his location at the time the communication was made;
- e. each person to whom the communication was made, and his location at the time the communication was made;
- f. all other persons present during, participating in, or receiving the communication and the location of each such person at the time;
- g. each document concerning or relating to such communication; and
- h. each document upon which the communication is based or which is referred to in the communication.

11. "Possession, custody or control" includes actual and constructive possession, custody and control. Any document which is not in a person's immediate physical possession, but in regard to which the person has a right to compel production from a third person, or which is otherwise subject to the control of the person in question, is within the person's "possession, custody or control."

12. The words "you" or "your" as used in herein shall mean BCOC and any agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s) acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them.

## II. INSTRUCTIONS

1. Each interrogatory shall be answered separately and fully, in writing and under oath or affirmation, and shall include all pertinent information available to you, your officers, employees, directors, advisors, representatives, or counsel, based upon the personal knowledge of the person answering. The production of the documents requested herein shall take place at the offices of the U.S. Nuclear Regulatory Commission in Rockville, Maryland, unless other arrangements for inspection and copying are mutually agreed to by the parties.

2. To the extent that you do not have specific, complete and accurate information with which to answer any interrogatory, you should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto.

3. Each interrogatory and document request shall be deemed to be continuing, and you are requested timely to supplement your answers with additional facts, documents, information, and names of witnesses which become known, in accordance with 10 C.F.R. § 2.740(e)(1) and (2) of the NRC's Rules of Practice.

4. The word "and" and "or" shall be construed either in the conjunctive or in the disjunctive so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

5. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

6. Wherever appropriate, the word "his" shall include "her" or "their," and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

7. Please produce each document requested herein in the form and condition in which it exists on the date of service of this request, including all comments, notes, remarks, and other material that may have been added to the document after its initial preparation.

8. Documents produced in compliance with this request should be accompanied with an indication as to the particular paragraph(s) or questions under which the documents are being produced.

9. If you object to or claim a privilege (attorney-client, work product, or other) with respect to any interrogatory or document request, in whole or in part, or seek to withhold documents or information because of the alleged proprietary nature of the data, please identify the information or document, set forth the nature of the privilege or objection asserted and the underlying factual basis for the objection or claim of privilege, and respond to the remainder of the interrogatory or document request.

10. For any document or part of a document that was at one time, but is no longer, in your possession, custody, or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and the reasons therefor, and identify each person having knowledge concerning such disposition or loss and the contents of the document.

### III. GENERAL INTERROGATORIES

Pursuant to agreement between the Staff and BCOC, these general interrogatories apply to both of BCOC's admitted contentions, are in addition to the fifteen interrogatories per contention allowed by the Board's July 29, 1999, Memorandum and Order, and are continuing in accordance with 10 C.F.R. § 2.740(e) through the end of the discovery period, October 31, 1999, as established in the Board's July 29, 1999 Memorandum and Order.

**GENERAL INTERROGATORY NO. 1.** State the name, business address, and job title of each person who supplied information for responding to these interrogatories, requests for admission, and requests for the production of documents. Specifically note for which interrogatories and requests for admissions each such person supplied information. For requests for production, note for which contention each such person supplied information.

**GENERAL INTERROGATORY NO. 2.** For each admitted BCOC contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom BCOC expects to provide sworn affidavits and declarations in the written filing for the Subpart K proceeding described in the Board's July 29, 1999, Memorandum and Order and the general subject matter on which each person is expected to provide sworn affidavits and declarations for the written filing. For purposes of answering this interrogatory, the educational and scientific experience of expected affiants and declarants may be provided by a resume of the person attached to the response.

**GENERAL INTERROGATORY NO.3.** For each admitted BCOC contention, identify each expert on whom BCOC intends to rely on its written filing for the Subpart K proceeding described in the Board's July 29, 1999 Memorandum and Order, the general subject matter on which each expert is expected to provide sworn affidavits and declarations for the written filing, the qualifications of each expert whom BCOC expects to provide sworn affidavits and declarations for the written filing, a list of all publications authored by the expert within the preceding ten years, and a listing of any other cases in which the expert has testified as an expert at a trial, hearing or by deposition within the preceding four years.

**IV. DOCUMENT PRODUCTION REQUESTS**

The Staff requests that BCOC produce all documents requested by, and provided to the Applicant pursuant to Applicant's First Set Of Discovery Requests Directed To The Board Of Commissioners Of Orange County dated August 16, 1999, at 7-14.

Respectfully submitted,



Richard G. Bachmann  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 23<sup>rd</sup> day of August 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF THE  
RULEMAKING AND  
ADJUDICATIONS

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE BOARD OF COMMISSIONERS OF ORANGE COUNTY" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system or as indicated by an asterisk, by first-class mail and by electronic mail (e-Mail) transmission where indicated this 23rd day of July, 1999:

G. Paul Bollwerk, III, Chairman  
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Office of the Secretary  
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Staff  
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U. S. Nuclear Regulatory Commission  
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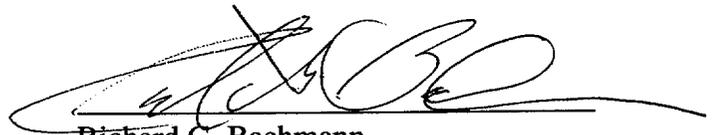
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Richard G. Bachmann  
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